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# Washington Sentinel.

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EDITED BY WM. M. OVERTON, CH. MAURICE SMITH AND BEVERLEY TUCKER.

O. H. P. STER, is our authorized agent for collecting accounts due this office, and for taining new subscribers in Virginia.

## MASTERS AND SLAVES-RIGHT OF

A grave and elaborate argument to prove the right of a master to pass with his slaves through the non-slaveholding States seems to us almost a folly. It is like solemnly arguing to demonstrate that black is black; white, white. Yet, in these evil times, men have sprung up who reverence nothing however sacred, and question everything however plain. Though not pleasant, it is a duty to refute their arguments and expose their

That a sovereign State has the power and th right to declare that slavery shall not exist within its borders, no sane man we presume will deny. Such a law, when adopted, is adopted for local purposes, and is designed solely for the regulation and government of its own citizens. It does not contemplate any infringement of the rights of hospitality or any violation of that comity which is binding on alien nations even, and as binding as any part of the international code. Indeed, this comity is of the very essence of international law-it is the very end and object of it.

But it is not on the mere ground of comity that we would rest the right of a master to a transit for himself and property through a non-slave holding State.

When the Constitution was formed, nearly all, if not all, of the States were slaveholding States. True, even at that early day, the Southern States. better adapted than the others, by soil, climate, and productions, to slavery, were receiving and absorbing the slaves from the more northern States. We thus briefly advert to this to show that the Southern States would never have consented to form a union with the Northern States had the latter then claimed the power to manumit slaves in transitu with their masters, through their territery. It was not possible to tell which of the States would become free States. It was impossible to tell how much territory would be added to the United States and to make even a conjectural map of the new empire. To have decided against this right of transit, would have been equivalent to saying to owners slaves, who, in order to emigrate with their proprerty, would be compelled to pass through free States, "You shall net emigrate." We say it would have been equivalent to laying an embargo on their emigrating. It would be so now. The Southern States would never have entered the Union on such

But again. The preamble to the Federal Constitution declares that to "form a more perfect union, establish justice (and) insure domestic tranquility," were three of the main objects of the Constitution. Would these objects be promoted by denying to Southern men the right of transit (not residence) with their slaves through the non-slaveholding States? Would it make the Union more "perfect?" Would it consist with "justice." and insure "domestic tranquility?" No man can say so. The denial of this right has already menaced us with a dissolution of the Union, don glaring injustice, and fearfully disturbed "domestic tranquillity." It has raised up mobs, and led to bloodshed. It has arrayed State against State, and section against section. It has violated comity, and more than that, the main objects of the Constitution.

Again, says the Constitution: "The citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States. From this clause also the right of transit is

We perceive that many of our contemporaries are filling their columns with all the decisions of the courts which have any bearing on this subject. They show their industry in collating, and their legal acumen in reconciling, these decisions For our part we would not give a brass farthing for all the decisions of the courts in regard to a vital constitutional right like this. Decisions are either binding or not binding. If binding, and against the right, we will have to acknowledge them as authorities. Now, we would never ac knowledge them any more than we would acknowledge a decision of a court-even the Supreme Court-that Congress may abolish slavery in the States. If the courts decide for the right when brought before them, so well and so good. While it gives us a high opinion of the judge, yet it does not at all affect our opinion of the

To illustrate: The slaveholder has under the Constitution and by comity (cumulative) the right of transit with slaves through Ohio. Ohio denies it, and passes a law saying that his slaves shall be free directly they breathe her air. The matter is brought before the courts. They decide that Ohio had a right to pass the law and free the slave while (not resident, but) only in and like the billows of the ocean we shall mingle transits. Now, we say that we would no more respect such a decision than we would a decision that Congress has the right to abolish slavery in the States.

In way to do this is to make he compromise with slaveholders or their abettors, and thus we shall have the blessing of those whe are ready to perish and the benediction of Almighty God. [Loud and continued cheering.]"

We are not accustomed to speak lightly of the Union, for we value its blessings too highly; but when it becomes a fixed and settled thing, that slaveholders, denied the plain rights of citizenship, cannot travel with their property through a nonslaveholding State, then we say that the Union ought to be dissolved.

The Constitution gives equal rights to the peo ple of all the States. The territory of the United States is open to all. All have the right to take their property with them into such territory. Should a non-slaveholding State intervene between the point from which the emigrant is moving and the point to which he is removing, he carry his property with him, whether such property consist of horses, wooden nutmegs, flocks and herds, or slaves. Should any State decree that horse-ownership shall be abolished within its stowed away the slave in a safe place, they set reasoning, carry his horses through such State most touching recital of wrongs, sufferings, and to his point of destination, and he would be proeither the horse-owner or the slave-owner, under whole truth, and nothing but the truth. After such circumstances, take up his residence in such

a State, then indeed would he lose his property. It is high time that the people of the North should understand this thing. It is too much up a statement contradicting all of Burn's pre the custom of politicians, those who hold correct offence to the Abolition fanatics, lest by so doing they shall lose their support. This timidity has gone on spreading and spreading until it has cominto the great sink of Abolitionism merely be- presume, can any but idiots attach any import-

have done, they would have crushed the manyheaded monster

The most distinct, striking, and perfect illus tration of what abolition and political unsound ness are, is afforded by the State of Massachusetts. She has "out-Heroded Herod," She has gone beyond all of her companions in shame, and her associates in guilt. She has covered the face of this great nation with a blush of shame. Yet what she is, many of the Northern States are becoming. It is time for them to stop in their career of insanity. They have sensibility enough now, to feel a disgust for Massachusetts; will they have virtue enough to shun her infamous example? We fear not. Yet there may be "one big recoil." It is only by such a recoil

that this Union can be saved. The true men of the North, even at the risk of sacrificing themselves and their political for tunes, ought to see to this matter, and see to i promptly. They have, with some exceptions from timidity and inaction suffered the people of the North to fall under the influence of bad men. Let them recover by energy, and courage what they have lost by inaction and timidity. Having all along battled for themselves, they ought now to fight for the Constitution and the perpetuity of

### A SINGULAR FACT.

The Judiciary of only one State in the Union ha eclared the fugitive slave law unconstitutionalthat of Wisconsin, the majority of whose citize are foreigners.—National American.

Before the National American can prove what nims to prove it will have to show that the Judiciary of Wisconsin is composed of foreigners. Should it succeed in doing that it will have proved but a small proposition.

There is another proposition, however, that is easy of proof. It is that the delegates from the Northern States to the late National Knowothing Convention, with few exceptions, "de clared" in favor of the repeal of the Nebraska bill, against the admission of new slave States into the Union, and against the Fugitive slave law. Most of those men retired from that Convention, and as we are informed, are now co operating, actively and zealously co-operating, in that great fusion of abolitionists, fanatics, and disunionists, which has most falsely and prefanely assumed to itself the time-honored nam of Republican.

There is another thing that is true, and should be distinctly and gratefully remembered. It is that when all Massachusetts was up in arms against the enforcement of the Fugitive slave law, in the case of Anthony Burns, and when none but the bravest and the most loyal would venture to strike for law, order, the Constitution, and the rights of property, there was one military company that signalized itself for its devotion and its services. That was not a Massachusetts Know-nothing company, but a FOREIGN com

THE HOWLS OF THE ABOLITIONISTS. A company of fanatics assembled the other day near Jamaica, New York, to celebrate the anniversary of British emancipation in the West Indies. It consisted of people of every hue and complexion, from milk white to coal black. It was addressed by several flaming, crazy Abolition orators, among whom was the notoriou Garrison, whose frantic violence and blood hound ferocity rather perplexes the question as to whether he is more deserving of the mad-house or the pillory. This Garrison thus closed his disgusting harangue:

"This Union is a lie. The American Union an imposture, a covenant with death and an agreement with hell. The question is not one of parchment or of interpretation. It is a question of moral application and moral duty. But we have shown one weak spot. We have said that we will hold the American Union to be paraself-respect, manhood, liberty, and God. This is accepted by slavery as a carte blanche, and whatever they demand we give. Charles Su and Henry Wilson are for Union, and whatever form the Anti-Slavery sentiment of the people generally takes the feeling is entertained that the Union must and shall be preserved. There is no Union. Union is equality—Union is reciprocity; Union. Union is equality—Union is reciprocity; but there is no Union about. We have no rights even as white men. Why continue these experiments? It is all madness—all delusion. Let that Union go, and when it goes Slavery will go with it, and the slaves will rise up, and I believe, as Judge Culver told us, that the South would be soon coming back at the point of the bayonet held by the slaves. I want the slaves to be set ree, and whatever may stand in the way of their Church, then pronouncing the Church to be of Satan and not of Christ, I am for its overthrow; f it is the clergy, then I am for pronouncing them to be sheep in wolves clothing, and putting the brand deep on their foreheads wherever there is any countenance given to Slavery. Our business here is with ourselves. We hold in our hands the key whereby the dungeons may be un-locked and the slaves set free. I do not speak to he slaveholders; they are insane men, incapable of hearing or of making an argument. But to those who are the pillars of the system, the peo-ple of the North, educated and refined, the people who constitute this American Republic—my appeal is to them, in the name of God and Lib erty. And I say to them let us give to the winds the rallying cry 'No Union with Slaveholders.' Up with the flag of disunion, that we may have a free and glorious republic of our own, and when that hour shall come the hour will have arrived that shall witness the overthrow of Slave ry, and God will have made it possible for us to be one people from the Atlantic to the Pacific, together. The way to do this is to make

Every now and then a "slave resci case occurs in the so-called free States, which serves the Abolitionists as bread and meat for a month or two. But for the excitements connected with such cases Abolitionism would starve. Agitation is everything to them; and when they tire of dull anti-slavery speeches and vapid les tures, they treat themselves to a bit of war for freedom, as in the case of the negro Burns, and the more recent case of Col. Wheeler's three slaves.

It is highly important to the success of the Abolition cause that it shall appear that the reshas the right—the plain, indisputable right—to cued, or in other words the stolen slave, detested bondage; and for long, long years has sighed and longed and pined for freedom. In order to bring this about, as soon as the slave stealers have borders, then any emigrant could, by a parity of to work and draw up an affidavit containing a persecutions, which they sign for the slave, and tected by the Constitution in so doing. Should then publish it to the world as the truth, the Anthony Burns had declared, time and again, that he was happy at home and wanted to go back to his master, these Abolition thieves drew vious declarations, put his name to it, and gave theories of the Government, the Constitution, it to the world as his free and voluntary act. and the relation of the States, to avoid giving They have just done the same thing in regard to

Col. Wheeler's slave woman We do not believe that there is one word of truth in the affidavit so pompously paraded in pletely emasculated many who were pure, sound, the columns of the New York Tribune as the and true. Many ambitious men have been drawn declaration of the slave Jane Johnson. Nor, we

manufacturing and circulating Jane Johnson's Mexico and the United States-Rupture of affidavit, as they call it. That object was to help Passmore Williamson out of his difficulties.

Ontaion of Chief Justice Lewis, The following is the opinion of Chief Justic ewis in the Wheeler slave case, in answer to an argument had before him on an application for writ of habeas corpus:

Commonwealth, ex rel. P. Williamson, vs. F. M. Wynkoop, United States Marshal, and Charles Hertz, keeper of the Philadelphia county

Lewis, C. J .- This is an application for a wr of habeas corpus. It appears by the copies of the warrants annexed to the petition, that the prisoner is confined for a contempt of the district court of the United States, "in refusing to answer a writ of habeas corpus awarded by that court against him at the relation of John H. Wheeler." The counsel of Mr. Williamson very frankly stated, in answer to an interrogatory on the sul ject, that they did not desire the useless formality of issuing the writ of habeas corpus, if, on view of the course of detainer exhibited, I should be o opinion that the adjudication of the United States district court was conclusive. The habeas corpus act does not require the writ to be granted in all cases whatever. Whenever it appears upon the face of the petition, or, which is the same thing, by the detainer annexed to it and forming part of ion that the adjudication of the United States t, that the prisoner is "detained upon legal pro cess, order, or warrant, for such matter or offence for which by the law the said prisoner is not bail able,"the case is excepted out of the act, (see act 18th February, 1785, sec. 1.) In like manner, where the case has been already heard upon the same evidence by another court, the act of assem bly does not oblige the judges to grant a habeas corpus for the purpose of rehearing it, although, perhaps, they may deem it expedient to do so in ome extraordinary instances. (Ex. parte Law We come, therefore, at once to the cause

detainer. Is it a "legal process, order, or war-rant, for an offence which by law is not bail-able?" Mr. Justice Blackstone, in Brass Cros-by's case, 3 Wilson, 188, declared that "all courts are uncontrolled in matters of contempt. The sole adjudication of contempts, and the punish ment thereof in any manner, belongs carried and without interfering, to each respective court. Infinite confusion and disorder would follow if courts could, by writs of habeas corpus, examine and determine the contempts of others. This and determine the contempts of others. This power to commit results from the first principles of justice; for, if they have the power to decide they ought to have the power to punish." "I would occasion the utmost confusion if ever court of this State should have the power to ex amine the commitments of the other courts of th State for contempts; so that the judgment and commitment of each respective court, as to con-tempts, must be final and without control." (3 Wilson, 204.) This doctrine was fully recog-nised by the court of common pleas in England, in the case referred to. It has since been ap-

try and in this. In ex parte Kearny, 7 Wheaton, 38, it wa affirmed by the Supreme Court of the United States, in accordance with the decision in Brass Crosby's case, 3 Wilson, 188, that, "when a court commits a party for contempt, their adjudication is a conviction, and their commitment is dication is a conviction, and their commitment in consequence is execution." (7 Wheaton, 38, 5 Cond. Rep. 227.) In the case last cited, it was also expressly decided that "a writ of habeas corpus was not deemed a proper remedy where a party was committed for a contempt by a court of co petent jurisdiction; and that if granted, the cour could not inquire into the sufficiency of the caus of commitment." (7 Wheaton 38.) Many au horities to the same effect are cited by Chie fustice Cranch in Nugent's case. (1 American

Justice Cranch in Nugent's case. (1 American Law Journal, 111.

But it is alleged that the district court had no jurisdiction. It does not appear that its jurisdiction was questioned on the hearing before it. The act of Congress of 24th September, 1789, gives it power to issue "writs of habeas corpus which may be necessary for its jurisdiction, and agreeably to the principles and usages of law;" and the same act expressly authorizes the judge of that court to grant writs of habeas corpus "for the purpose of inquiry into the cause of commitment; provided that writs of habeas corpus shall in no case extend to persons in jail, unless where they are in custody under the authority of the United States or tody under the authority of the United States of committed for trial before some court of the same, or are necessary to be brought into court to testify. Other acts of Congress give the United States of Congress give the Unite ted States judges jurisdiction in writs of habea corpus in cases therein specified. It does not appear that the writ issued for persons in jail is disregard of State process or State authority. ment of a United States court is relied on as a justification, the jurisdiction should be affirmatively shown. But in a writ of habeas corpus, issued by a judge having no appellate power over the tribunal whose judgment is shown as the cause of detainer, where the jurisdiction of the latter depends upon the existence of certain facts, and no objections to its authority are made on the hearing, the jurisdiction ought to be pre sumed as against the party who might have raised the question at the proper time but failed to do so. It is true that, if the jurisdiction be not alleged in the proceedings, the judgments and decrees of the United States courts are erroneous and may, upon writ of error or appeal, be re versed for that cause. But they are not absolute pullities. If other parties who had no opports nity to object to their proceeding, and who woul not have writs of error, may disregard them as nullities, it does not follow that the parties them selves may so treat them. (Kempe's leesse ri Kennedy, 5 Cr., 185; Skillern's Exc'r vs. May Exe'r, 6 Cranch, 267; McCormic vs. Sullivan, 1 Wheat., 192.)

It is alleged that the right of property cannot be determined on habeas corpus. It is true that the habeas corpus act was not intended to decide rights of property; but the writ at common lan may be issued to deliver an infant to a parent or an apprentice to a master. (Com vs. Robit son 1 S. & R., 35 B.) On the same principle, see no reason why the writ at common law ma not be used to deliver a slave from illegal re straint, and to restore him to the custody master. But granting, for the purpose of the agument, (which I am far from intimating, that the district judge made an improper use of the writ—that he erred in deciding that the priso ner refused to answer it—that he also erred the construction of the answer which was given, and that he otherwise violated the rights of the prisoner—it is certainly not in my power to re-

verse his decision.

If a writ of habeas corpus had issued from State court to the United States marshal, and that court had adjudicated that the marshal was guilty of a contempt in refusing to answer it, and had committed him to prison, the district court of the United States would have no power to reverse that decision, or to release the marshal from imprisonment. No court would tolerate such an interference with its judgments. The respect which we claim for our own adjudicaions we cheerfully extend to those of other cour within their respective jurisdictions.

For these reasons the

AUGUST 1, 1855. AN EDITOR ROBBED OF \$11,000 .- Mr. S. D. Carpenter, editor of the Wisconsin Patriot, was obbed, last Tuesday night, on the cars, at some oint between Adrian and White Pigeon, of nea 11,000, mostly in Ohio and Indiana bills. Mr has no clue to the robbers, as his mail satche containing the money, and which he kept close to his person, must have been taken whilst he drowsed, having been deprived of sleep for several nights on account of indisposition, from which he had sufficiently recovered, however, to travel.

CHOLERA REMEDY .- The New York Sun lishes the following recipe, which it says has proved most efficacious in checking the premoni ory symptoms of dysentery, diarrhea, and cholera. Take equal parts of

Tincture of Opium.

Do Cayenne pepper, treble strength.

Do Rhubarb. Essence of Peppermint, treble strength.

Spirits of Camphor.
The dose is from 15 to 30 or even 60 drops, ac ording to the age of the patient and the violence f the symptoms, and it should be repeated every 5 to 30 minutes until relief is obtained. The medicine may be taken in a little cold water and

The barque "Therese," which arrived at New York from Bremen on Wednesday last brought out three cases of bronze statuary, coning the statues of Jefferson and Patrick Henry cause they wanted honor and position. If the true men had hung together as these vile fanaties above, the Abolitionists had another object in promptly forwarded to Richmond.

### Diplomatic Relations. The correspondent of the New Orleans Bee,

July 5th, announces a rupture of diplomatic relations between the Legation of the United States and the Mexican Government. The writer says:
A week ago Mr. Gadsden notified the Mexican A week ago Mr. Gadsden notified the Mexican Government of this suspension, and stated that he would await instructions from his Government. For some time past Mr. Gadsden had evinced marked coolness towards the administration, but the event has been precipitated by the following circumstance. One Delgado, born in Cuba, had been compromised in the political affairs of the Island and denounced by the authorities. He had fled, had travelled in Europe, had resided in the United States, and been naturalized. Latterly he came to Mexico, accompanied by a beautiful female—his wife or companion. Sometime after his arrival, Delgado was arrested, thrown in prison, and exiled. This is not all—not satisfied with banishing him, the Mexican Government sought to deliver him up to the Cuban officials.

With this view Delgado was placed on board of the English steamer at Vera Cruz, in company with a Mexican who had been instructed to surrender him to the Captain-general. The affair is a splendid evidence of the sagacity and talent of

render him to the Captain-general. The affair is a splendid evidence of the sagacity and talent of the Mexican ministry. They did not reflect, firstly, that in default of a treaty of extradition, Delgado, even though not a naturalized American, could not be legally given up to the Cuban authorities; and, secondly, that if even such a treaty existed, it could not apply to political offences. The most amusing point about the busifences. The most amusing point about the business is, that our Minister of Foreign Affairs never reflected that one on board a British vessel, Del-regado was free, and that if the Captain-general had demanded the refugee, the commander of the British vessel would have laughed in his face and did not attempt to get possession of Delgado who, I understand, landed at St. Thomas. Th lady who accompanied him to Mexico was, at the last accounts, lying ill at Vera Crnz, of the vo

mito.

The same correspondent, writing on the 19th, says Mr. Gadsden had had two personal interviews with Santa Anna, the result of which was that the despatches of the former to Washington would be more pacific. Mr. Vidal, the new Minister to the United States, was straining every nerve to settle the affair. About the 1st of August, Mr. Vidal would set out for Washington, accompanied by the President's wife, her mother Dona Manuel, Carmen, a daughter of Santa Anna, and her husband, M. Charles Maillard, and one of the President's aid-de-camps.

In connection with the foregoing, we publish

In connection with the foregoing, we publis the following letter from "lon," the intelligenand well-known correspondent of the Baltim

WASHINGTON, August 1. Approaching Change in the Mexican Government— Voluntary Retirement of Santa Anna—New Minister to the United States—Madame Santa Anna Coming among us—Her Husband and General Almonte, &c.

Private information from the city of Mexico has been received here by the last steamer from Vera Cruz which goes to confirm rumors, hereto vera Cruz which goes to confirm rumors, hereto-fore prevalent, of some approaching change in the Mexican government and the voluntary re-tirement of Santa Anna. It appears that the step-father of Madame Santa Anna, Mr. Vidal, lately Santa Anna's private secretary, has been appointed minister to the United States, and was to depart in a government steamer for New York on the 26th, accompanied by Madame Santa on the 26th, accompanied by Madame Sant Anna and her brother.

Some circumstances seem to render it probable that this is not the real object of the mission of Mr. Vidal, and that he is to convey Santa Anna's family and treasure, and perhaps his own person, to a place of safety—probably Havana. It is conjectured that Santa Anna's rule is about to be terminated, either by force or by compromise and that he may be allowed to retire with hi family and fortune. He has been thrice before a exile from Mexico, but each time was permitted to retain his ample estates. This may be the case again. If he hoped and intended to remain in power, he would not recall General Almonte, the able minister from Mexico, now here. Gen. Almonte was himself the cause of Santa Anna's as minister it was from jealousy more than love and in fact a sort of honorable banishment.

Gen. Almonte is now at Saratoga Springs Perhaps the last steamer, which left Vera Cru-on the 22d, may have brought his recall. The mail by the steamer was received here vesterday If he be not recalled, we may expect to hear o and Secretary, not Minister, Vidal, at Havana

## Commander Ingraham and Koszta.

The presentation of the sword to Command ngraham by the German citizens of Charlestor took place at the Military Hall of that city. It was done without ostentation. The hall was filled, when Captain Ingraham, accompanied by several friends, entered, and Mr. Melchers, edito of the Zeitung, on handing him the sword, made a long speech. He thus described the sword:

"It is designed, manufactured, and embellish by resident citizens of your native city; a speci-men of Charleston mechanical and artistical skill, presented by Charleston citizens to an illustrious fellow-citizen. Anxious to combine the agreeable with the useful, we adopted for this sabre the with the useful, we adopted for this sabre the pattern used in the service of which you are an ornament. The blade bears our plain dedication, and your memorable reply to Mr. Koszta's petition: 'Do you want the protection of the United States:—You shall have it.' The belt is a representation. sentation of our glorious national flag; which w hope will not be considered desecrated by being made to support the principal weapon of one who so nobly sustained its sanctity and inviolability. The ornaments are emblematic allusions to you profession, and our country and State, the Anchothe Eagle, the Stars, and the Palmetto."

#### Capt, Ingraham replied in the following term Mr. President and Gentlemen of the

German Association:
I cannot but feel highly gratified that the German portion of my fellow townsmen have deemed my conduct in the affair of the 2d July, at Smyrna, in rescuing Martin Koszta from the Austrian authorities, of such a character as to induce them to present me with this beautiful weapon. I believe Martin Koszta entitled to the weapon. I believe martin Aoszta entitled to the protection he claimed at my hands, and I should have proved recreant to the trust reposed in me by the government, had I not extended to him the aid he sought. It has been a source of great the aid he sought. It has been a source of great gratification to me, that I was so nobly sustained by the head of the government, the chief of the department under whose immediate control I was, and the whole American people. It is not generally known that I waited upon the governor of Smyrna and urged upon him in the strongest language I could use, the propriety of his demanding the immediate restoration of Koszta to the soil of Turkey, from whence he had been so cruelly and unjustly forced. He admitted all I said, but as he had not the power to enforce the demand he could only report the case to Constantinople. I then determined that Koszta should not be sent to Trieste; and soon after made the demand which so happily ended in his release and demand which so happily ended in his release and safety without bloodshed. Mr. President, in acsafety without bloodshed. Mr. President, in accepting this good sword, allow me to return you my thanks for the very flattering manner you have been pleased to speak of my exertions upon the occasion for which I am thus honored a I shall always wear it with pride, as the work of artizans of the loved city which gave me birth, and where I hope to rest when I shall have fulfilled the time alloted me upon earth. To you, gentlemen, individually and collectively, I wish all the happiness and success you seek in the land of your adoption, and where all who conduct themselves as good citizens are sure of being themselves as good citizens are sure of being honored and protected,

Writ of Habeas Corpus Refused. PHILADELPHIA, August 1.—Judge Lewis, of the supreme court of Pennsylvania, this morning refused to grant a writ of habeas corpus as ap-plied for by the counsel of Passmore Williamson. on the ground that every court of competent jurisdiction is the exclusive judge of contempts against itself; and the respect which his court claimed for its own jurisdiction, was cheerfully

It is said that there are over three thou and persons in New York city whose only lodg-ing place is the door-step, the coal-box, or the benches in the public squares. Considering the present state of the thermometer, their condition

onceded to other courts.

### THE KANSAS LEGISLATURE

Veto Message of Gov. Reeder. The following important Message from Gov. Reeder was read in the House of Representatives writing from the city of Mexico under date of of the Territory of Kansas on the 21st of July: To the House of Representatives of the Territory of

Kansas.

I return to the house in which they originated the bill entitled an act to prevent the sale of in toxicating liquors and games of chance within one mile of the Shawnee Manual Labor School, in the Territory of Kansas; and the bill entitled an act to establish a ferry at the town of Atchison an act to establish a ferry at the town of Atchison, in Kansas Territory, without my approval. I see nothing in the bills themselves to prevent my sanction to them, and my reasons for disapproval have been doubtless anticipated by you as necessarily resulting from the opinions expressed in my message of the 8th instant.

The question is of the powers of the legislature, and whether the legislature is now in session at a place recognized as a sent of government where

place recognized as a seat of government where the business of legislation can be legally or legiti-mately carried on. The creation of a seat of government, in any case, by competent authority, carries with it a necessary and unavoidable implication from the meaning and force of the term that the laws which are to be passed for the gov-ernment of the State or Territory shall be there nacted, and therefore makes it the clear duty of he legislature to perform their functions at that place. It can have no other object or purpose, and we cannot for a moment suppose that the and we cannot for a moment suppose that the authority which creates a seat of government

authority which creates a seat of government contemplated that all the acts and powers of government might be performed and exercised as well at any other place. It clearly means that the enactment of laws, which is the highest and most important function of governmental power, should be exercised at that place and no other. This proposition is so plain that it will probably not be controverted, and its correctness seems to be admitted by the legislative assembly in the fact of the passage by them of an act constituting this the seat of government before they would remove here from the place at which they were convened. Were that act valid and within the powers of the territorial legislature, the ques-

would remove here from the place at which they were convened. Were that act valid and within the powers of the territorial legislature, the question could not arise. To its validity, however, I cannot give my assent, and I propose now to state my reasons for that opinion.

The whole territorial government is brought into existence by the act of Congress passed May 31, 1854, and to it we must look for the limit and extent of the legislative, judicial, and executive powers. The second section provides that the legislative power and authority "of said Territory shall be vested in the governor and legislative assembly," and then proceeds to declare how the assembly shall be constituted, and the first assembly elected; and at the close we find the following language:

"The persons thus elected shall meet at such place and on such day as the governor shall appoint; but hereafter the time, place, and manner of holding and conducting all elections by the people, and apportioning the representation in the several counties or districts, to the Council and House of Representatives, according to the number of qualified voters, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the Legislative Assembly."

It will be thus seen that although Congress.

It will be thus seen, that although Congres rives to the Legislature the power to determine the time when the assembly shall hereafter meet the time when the assembly shall hereafter meet, they do not confer power to fix the place. We will see, on further examination, the reason for this, and that Congress choose to retain and exercise this power themselves.

By the 26th section it provides: "That the legislative power of said Territory shall extend to all rightful subjects of legislation consistent with the Constitution of the United States and the provisions of this act."

By the 31st section it is provided, "That the seat of government of said Territory is hereby located temporarily at Fort Leavenworth," and

further provision is made for the occupation of buildings not needed for military purposes.

By the appropriation bill passed August 5, 1854, §6, Congress enacted—That in the event that the Secretary of War shall deem it inconsistent with the interests of the military service to furnish a sufficient portion of the buildings at Fort Leavenwerth for the use of the territorial government at Kansas, the sum of \$25,000 shall be, and in that contingency is hereby appropriated for the erection of public buildings for the use of the Legislature of the Territory of Kansas, to be expended under the direction of the governor of the Territory. e expended under the direction of the governor of the Territory.

It is worthy of note here, although not pre-

cisely a legal argument upon the construction of these acts, that within a few days before the pas-sage of the last recited act, Congress refused to make the appropriation, coupled with a clause repealing the section which fixed the temporary seat of government at Fort Leavenworth. It is enough, however, to know that they did not re-peal it. The appropriation was made, leaving the section in full force.

On the 3d day of March, 1855, Congress made on the 3d day of March, 1833, Congress made a further appropriation of \$25,000 for public buildings, with the proviso that said money, or any part thereof, or any portion of the money heretofore appropriated for this purpose, shall not be expended until the Legislature of said Territory shall have fixed by law the permanent seat of

This last enactment conclusively establishe two points. First, that the Legislature have the power to fix the permanent seat of government as contra-distinguished from a temporary one; and second, that no part of the appropriation is and second, that he part of the appropriation is to be expended at the temporary seat of govern-ment which Congress persisted in keeping at Fort Leavenworth.

Thus stood the legislation of Congress when

Thus stood the legislation of Congress when the Legislative Assembly was convened. The executive was vested with power to designate the place where they should first meet. Congress had themselves fixed a temporary seat of government at which the Legislature could meet, in case they should leave the first place of meeting, or in case a second Legislature should convene before the permanent seat of government was before the permanent seat of government was fixed. And the Legislature were authorized to fix a permanent seat of government where the

appropriations were to be expended.

This latter power they may at any time exercise, but the two former they clearly cannot, uness they have power to repeal and overrule an

act of Congress.

The only authority under which the legislative ssembly are sitting at the Shawnee Manual La-School, is an act of their own, passed on the 6th instant, at the place where they were con-vened by the Executive, entitled "An act to remove the seat of government temporarily at the Shawnee Manual Labor School in the Territory

At the place where they were first convened the Legislature could undoubtedly have fixed the permanent seat of government where the appropriation could have been expended, and adjourned at once to such place; or if they chose to deed at once to such place; or if they chose to delay acting upon that measure, they could in the
meantime have adjourned to the temporary seat
of government which Congress had established,
but it is impossible for one to perceive how they
can establish a temporary seat of government at
a different place from that at which Congress has
said it should be, without such a conflict as to
render the Legislature actually void.

We find in the organic act many instances of
legislation which were intended only to be provisional; and intended to last only until the subject
to which they relate should pass into the hands
of the Legislature—such as the qualifications of
electors—times and places of courts—defining of

electors—times and places of courts—defining of Bistricts—appointment of officers, &c., but in each of these cases the power to change the provisions of the organic act is expressly given, whilst a regard to the temporary seat of government it is not given.

Indeed, in view of the fact that Congress has Indeed, in view of the fact that Congress has not included this on the professional legislation—that in speaking of the day and place for all meetings of the Legislature after the first, they give power to the Legislature to fix the day, but not the place—that the only power given to the Legislature in reference to the seat of government, is the power to fix the permanent place where the appropriation shall be expended, and the restriction of legislation to matters consistent with the organic act, all concur to prove that the act of the territorial legislature, creating a temact of the territorial legislature, creating a tem-porary seat of government, is unauthorized and

Did the Legislature possess Did the Legislature possess general powers, and not trammelled as they are by the restriction of consistency with the organic act, their power to change the seat of government at pleasure could not be doubted. As it is, if they can contravene the 31st section, I see no reason why they may not equally as well pass laws in con-flict with any other provision which the bill con-

It seems to be plain that the Legislature are

where they have no right to sit, and can make no valid legislation. Entertaining these views, can give no sanction to any bill that may b passed; and if my reasons are not satisfactory t and if my reasons are not satisfactory to

passed; and it my reasons are not that we the Legislative Assembly, it follows that we must act independent of each other. The necessary embarrassment consequent upon this difference of opinion between the Legislative Assembly and the Executive will be of so grave a character, and so desirable to avoid, if possible, that I have most earnestly scrutinized the ground of my opinion, and sought for all the argumer against it with diligent care a willingness to be convinced, but I am constrained to say that re-flection and examination only serve to rivet upon my mind more and more strongly the convic of its correctness.

If I am right in these opinions, and our Terri-tory shall derive no fruits from the meeting of the present Legislative Assembly, I shall at least have the satisfaction of recollecting that I called the attention of the Assembly to the point before they removed, and that the responsibility, there-

Fre, rest not on the Executive.
A. H. REEDER.
Shawnee Meth. Mission, July 21.

From the Chicago Tribune, July 28. Flendish Attempt at Wholesale Murder About a week ago the superintendent of track epairs from Laporte to Chicago, Mr. Oakley inding one section of his beat was not kept in proper shape, determined to dissmiss the whole gang of men on the section, and accordingly did so, and from the talk of the men when discharged, promptly reported to the men when discharged, Colonel James Moor, at Adrian, he was afraid here might be trouble on the continuous

there might be trouble on the section near Bailey-town, Indiana.

Colonel Moor immediately communicated his suspicions to Pinkerton & Co., who forthwith concontrated their detective force in that neighbor-hood, under the personal supervision of Pinkerton himself. From the movements of things on Mon-day evening last, Mr. Pinkerton was led to place an additional force of railroad men along the track from Miller's station to Calumet. The right was dark and rainy, just the kind of a night

or such demons to go to work.
Stealthily the watch stole along the track-Steathily the watch stole along the track—
every nook and cranny was carefully searched, and
under a bridge at Baileytown a claw-bar, such as
is used for drawing spikes, was found. As one
had been missing upon this section when the men
were discharged, who when questioned by Mr.
Oakley as to where it was, denied all knowledge
of it, Mr. Pinkerton took up a position as to
watch if any one came for it.

About eleven o'clock two men were observed
to come cantiously up the track a short conver-

to come cautiously up the track; a short conver-sation in whispers was held, and one of them took the claw-bar from its hiding place, and proceeded with his confederate east upon the track; closely followed by P. and the others barefooted. The country in this region is wild and unsettled, and on arriving at a favorable place near where the track crosses the Calumet river, undoubtedly selected by them, for its dangerousness, they went to work with the bar, drew the spikes, and slid he rails on one side, making a perfect switch.

During the time they were at work, Pinkerton
and his men lay within a few feet of them. As

and his men lay within a few feet of them. As they started to return, one of them, observing something dark to lay by the track, stopped to pick it up. It proved to be only Mr. P. himself, who immediately sprang to his feet and seized the villian by the throat. The fiend fought lustily, but the other men coming up, P. passed him over to them and put after the other, who with

Finding he was going to be distanced, Pinker ton, as a dernier resort, fired upon him, when the villian halted and fired at Pinkerton, and again fled, but this time ran directly into the hands of the reserved force, placed west on the track, and who, hearing the firing, were hastening to the

cene. He was immediately captured and brought back to where the other prisoner was, when, slipping out of his coat and leaving it in the hands of the officer, he wheeled upon Mr. P. struck him a violent blow, knocking him into the ditch, and ran up the bank like a bird and disappeared in the woods, and although closely followed by the men, aided by the darkness made his escape.

He is probably dangerously wounded, as blood

was found next morning upon the track and the woods. The wound is supposed to be some where about the body, as P.'s hands were al prisoner fought violently until securely ironed, when he was conveyed to Calumet, a little over

hree miles. He proved to be an Irishman named Peter Welsh, one of the gang who were lately discharged. Welsh says the one who made his escape was also a discharged track hand.

An express and mail train was due at the where the rails were moved, within half an hour, and it is truly fearful to calculate what might have been the loss of life if the depredations had

not been discovered.
On the arrival of this, a man was despatche by Mr. P. to Chicago, to his partner, Mr. who despatched some nore detectives out to scour the woods laying between the Michigan Central and Michigan Southern Railroads, and at daylight an energetic effort was made in every direc-tion from Calumet to find the ruffian.

SINGULAR ADVENTURE OF A LOST CHILD .- On olson, residing about two miles north of Rocka-way, went into the woods with an older brother o hunt the cows. The boy was only about five years old, and by some means got separated from his brother, who came home without him. The mother then started in search of him, but he could not be found. On Sunday, the parents, aided by a few neighbors, searched in vain, and in the afternoon some seventy persons turned out to scour the woods, but they found no trace of On Monday probably over one hundred persons were searching the woods in all direc-tions, and on Tuesday and Wednesday, it is tions, and on Tuesday and Wednesday, it is said, that two hundred were searching, but without discovering him. On Thursday morning, a young man from Denmark Forge concluded he would search, and accordingly went from his own house to Beach Glen, directly across the mountain, which overlooks the Glen. On the top of that mountain, lying on a rock, he found the child alive and bright, but very thirsty and hungry. He had lived on berries, and told his discoverer that he was looking for the red cow, and had not found her yet. Being very timid, it is supposed that he had heard the calls of the men looking for him, and hid himself, for they went several times through the mountains where went several times through the mountains where he was found. For the same reason he had not dared to approach the houses at the Glen, which were in sight. When found he had given up hope of finding his way home. He had been without food from Saturday noon until the next Thursday forenoon, about five days, except the berries he picked in the woods. During that time, he had not had a single drop of water. The little Gleow me distributed the state of the same than the same transfer of the same tran little fellow was disinclined to tell his adven-tures, but called loudly for bread and water, which were given him sparingly at first. The boy is now as well as ever.—Neueurk (N.J.) Advertiser

### The Randall's Island Children and the We stated last week that a deputation from the

Shaker village of Lebanon had visited Randall's Island and selected twenty children for the purpose of taking them to their settlement. Yester day was the day on which they were to call and take them away; but we learn the Ten Governors have concluded to leok a little further into the matter before they will give their ascent for their departure. They have concluded to depute some of their number to visit Lebanon, and make themselves conversant with the mode in which children are treated by the Shakers; and if they find matters as they have been represented, they will then raise no objection to the children departing for their new home. We understand that the Shakers, in selecting the children, do not press upon any one, however small to go with them, but leave it entirely to their own inclination to decide. The children who are brought up it these Shaker villages are taught cleanliness, an these Shaker villages are taught cleanliness, and the most strict morality and virtue. They are never overworked, as the stoutest are required to labor but six or seven hours in a day, and that with the exception of farming, of the lightest kind of labor. Their principal occupations are gatherand putting up seeds, preparing herbs, making brooms, pails, tubs, and other descriptions of light wood work, and tending to their farms, which are always of the best, and kept in the finest order. When their juvenile charges grow up to years of judgment of discrimination, they have no restraint placed upon them, and are at perfect liberty to leave if they feel so inclined; but they are not allowed to take any of the accumulated wealth of the settlement, which is held in common with them.—N. V. Herald.

DEATH OF HORACE GREELEY'S MOTHER. It seems to be plain that the Legislature are now in session, so far as the place is concerned, an contravention of the act of Congress, and father of Mr. Greeley is still living.

The Late Marshal St. Arnaud. The family of Marshal St. Arnaud have pub lished, at Paris, a selection from his correspond-

ence while exercising the chief command of the French expedition in aid of Turkey. The letters contain much that is curious. They show, what has all along been suspected, that the French Marshal regarded the English Commander as a drag upon his movements. They also afford a triking illustration of that love of retirement and of home which struggled with ambition in the breast of the old soldier.

Writing to his brother, under date of August 1854, he says:

"If I were to give way to my impressions, to my turn of mind, and the feelings of my heart, I should never have written to you a sadder letter. am in the midst of one yast tomb, resisting the bravest soldiers succumb at the very moment I most want them, and yet continuing, for all that, the preparations for a formidable expedition. Have there been many such situations as mine in history? My courage and energy shall at least prove equal to the occasion, God, who strikes me with one hand, raises me up with the other."

To his wife, two days later, he writes from arna as follows:

"God spares us no misfortune, no calamity, my dear. I see all my energy in the depth of my soul; I wish I could find there mere resignation; but the sublime patience flies away at sight of catastrophes, so completely independent of the will, that are incessantly striking down around you and annihilating with a breath all the good you have been preparing with such difficulty. A violent fire broke out at seven o'clock yesterday evening, we Varna, as I was alighting from my horse on my return from visiting my sick men. A seventh part of the town no longer exists."

After landing in the Crimea he writes to Madme St. Arnaud the following affectionate letter, in which he utters pleasant visions of home and quiet-visions, alas, never to be realized:

"OLD FORT, (CRIMEA,) Sept 7, 1854.
"My Beloved Wife: The English are not ready, and make me lose precious time. I lent them some flat boats this morning to expedite the landing of their horses, and I hope I shall be able to move at last by eleven to-morrow morning. I shall stop for the night at the Bulganak, so that may be quite fresh on the 19th, and force the passage during the day. If I can I will drive the Russians to the other side of the Katcha. I pronise you I will give them no time for amusing themselves. The weather is fine, and we are favored. May God protect us yet a few days and all will go on well! I heard mass this morning under my large tent, and I prayed for you. Four abbes breakfasted with me. There has been a great reaction in the army, and the Prince is at the head of it. He says loudly that I am a man he head of it. He says loudly that I am a man, and that but for me we should not be in the Cri-mea. My health is not so bad to-day. I had a favorable crisis last night; a copious perspiration came to my relief. As I have to endure all my pains, I have two cutting ones above my left breast which agonize me. Cabrol says it is my

pains, I have two cutting ones above my left breast which agonize me. Cabrol says it is my health. I could strangle him.

"Nothing as yet is changed in my plans. Prince Menschikoff may do what he likes, but I shall be before Sebastopol between the 20th and 22d. Perhaps I shall go and attack them on the south and leave their great preparations on the north side useless. All that will depend on what shall see when I reach Belbek. The swifter time moves my love, the neater it brings me to you. This doubles my courage. I only think of the moment when we shall be very quiet at home. In the spring we will take a trip to Italy, and we will return by Switzerland and Germany. We will travel with only two servants and like plain folks. folks. Do not let us build too many castles in thair, for that brings bad luck."

On the next day he writes to his wife: "I have just written to Lord Raglan that I could not wait any longer, and that I should issue my order of departure for seven o'clock to-morrow morning; and nothing shall stop me

To his brother he writes from the field of battle on the Alma, September 22d, 1854:

"To-day every one thinks as I do in the armies and the fleets. The change has been rapid. It began on the 14th, broke out into acclamations on the evening of the 20th, and to-day I am a great man. Such is the world."

Four days after writing this the Marshal resigned his command, and on the 29th, three days

## Outrage upon an Editor.

On the evening of the 22d instant, as Mr. A. B. Carlion, editor of the Bloomington (Ind.) News Letter, returning home from a visit to a young lady acquaintance, he was most brutally assaulted by several Know-nothings, the connection of from with that secret organization Mr. Carlto had previously publicly exposed through the columns of his paper. The darkness of the night was intense, but through it Mr. Carlton barely escaped with his life from the murderous missiles consisting of large stones and heavy pieces of iron that were hurled after him by his cowardly assail-

On the day following, Mr Carlton met a man by the name of Batterion on the street, and instantly drew forth a pistol and fired, saying as he did so, "There is one of the d—d scoundrels that attempted to assasinate me last night." The ball f the wonderful use of his legs into an adjoining tore. Mr. Carlton was prevented from using a store. Mr. Carlion was prevented from using a second pistol by the interference of bystanders. He surrendered himself cheerfully to the marshal of the town, and on the investigation of his case was recognized to appear before the Circuit Court under bonds of \$500. We are informed that the public feeling in his behalf was such as brought to him the profler of ball to the amount of at least \$100.000. \$100,000 .- Chicago Times of 28th July.

The United States frigate Potomac, bearing the broad pennant of Commodore Hiram Paulding, commanding the home squadron, sailed frem Norfolk for New York on Saturday last. The following is a list of her officers:

Com. Levin M. Powell, commanding; Com Com. Levin M. Powell, commanding; Com. James L. Lardner, Captain of the Fleet; Melancton Smith, Win. L. Herndon, L. B. Avery, D. M. Fairfax, Edward Brinley, Lieutenant; Maxwell Woodhull, Flag Lieutenant; Thomas Dillard, Fleet Surgeon; H. M. Hieskell, Purser; Moses P. Chase, Chaplain, George E. Morgan, Master; Wm. A. Harris and Henry O. Mayo, Benedick Project Surgeons; Capt. Beni, Macon. Master; Wm. A. Harris and Henry O. Mayo, Passed Assistant Surgeons; Capt. Benj. Macom-ber, commanding Marine Guard; George R. Graham, 2d Lieutenant; George M. Robinson, Commodore's Secretary; Joseph S. Skerrett, H. M. Garland, Jesse Taylor, James G. Maxwell, Henry Erben, Passed Midshipmen; M. Secard, C. S. Norton, H. H. Dalton, Edward Lea, Mid-C. S. Norton, H. H. Dalton, Edward Lea, Mid-shipmen; Robert W. Tucker, Captain's Clerk; L. Henriques, Purser's Clerk; Amos Colson, Boatswain; Wm. H. Hamilton, Gunner; J. G. Thomas, Carpenter; James Ferguson, Sailmaker.

The New York Post makes a critical analysis of the political aspect of the next Congress, recog-nizing Nebraska and anti-Nebraska as the only party distinction that can be drawn. According party distinction that can be drawn. According to its summing up the Senate will stand Nebraska 40, anti-Nebraska 22, and the House Nebraska 106, anti-Nebraska 128. It will thus be seen that the Post, with all its strong anti-Nebraska feeling, only claims a majority of 22 in the House. This majority might prove all sufficient to defeat the Nebraska bill were it now to be brought forward as a new measure; but the attempt to repeal it is a different question, and upon that issue the Post will find it difficult, we think impossible. To obtain the vote its analysis nink impossible, to obtain the vote its analysis adicates. A sufficient number of those whom it prrectly ranks as anti-Nebraskaites, will be found opposed to increasing the sectional excite-ment by voting for its repeal, and the measure failing this year, the agitation will have worn itself out before a new Congress is elected.

[Baltimore American.

ENCOURAGING SOUTHERN MANUFACTURERS .-The Petersburg (Va.) Intelligencer states that an Alabama cotton planter, who has heretofore purchased his stock of coarse shoes for his field chased his stock of coarse shoes for his field hands in the Northern cities, instead of going North this your, stopped in Petersburg on Thurs-day last, and purchased the stock of shoes neces-sary for his hands, being considerably over one hundred in number, having determined to pat-ronize in future Southern instead of Northern

Population of ALBANY .- The census returns for Albany show the population of that city to be 57,883, which is an increase of a little more than